

Attorney Docket: 27010U

MAIL STOP PCT

U.S. Department Of Commerce, Patent And Trademark Office		Date: October 4, 2005
Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371		U.S. Application No.: (if known): <b>10/551 943</b>
International Application No.: PCT/EP2004/050493	International Filing Date: 8 April 2004 (08.04.2004)	Priority Date Claimed: 11 April 2003 (11.04.2003) DE 11 April 2003 (11.04.2003) EP
Title of Invention: <b>ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP ANTAGONISTS</b>		
Applicants for DO/EO/US: DIETRICH, Rango; NEY, Hartmut; HILTL, Simone; HAAS, Bernd-Michael		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
  - ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not transmitted by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:**

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A **FIRST** preliminary amendment.
- ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
- ☐ A substitute specification.
- ☐ A change of power of attorney and/or address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
- ☐ A second copy of the published international application under 35 USC 154(d)(4)
- ☐ A second copy of the English language translation of the international application under 35 USC 154(d)(4)
- ☒ Other items or information:  
TRANSMITTAL LETTER; APPLICATION DATA SHEET; INTERNATIONAL PUBLICATION NUMBER: WO 2004/089342 A2; INTERNATIONAL PUBLICATION DATE: 21 OCTOBER 2004 (21.10.2004), WHICH CONSISTS OF 35 PAGES: 1 PAGE FOR THE COVER SHEET, WHICH CONTAINS THE ABSTRACT, 31 PAGES OF TEXTUAL SPECIFICATION, 3 PAGES OF 26 CLAIMS, 0 SHEETS OF DRAWINGS; **PRELIMINARY AMENDMENT WITH APPENDIXES A AND B TO BE EXAMINED**; PCT REQUEST WITH EXECUTED DECLARATION (PCT/RO/101); INTERNATIONAL SEARCH REPORT (PCT/ISA/210); FIRST NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); SECOND AND SUPPLEMENTARY NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES (PCT/IB/308); INFORMATION CONCERNING ELECTED OFFICES NOTIFIED OF THEIR ELECTION (PCT/IB/332); NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT (PCT/IB/304); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.

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U.S. Application Number: (if known): Not Yet Assigned <b>10/551943</b>		International Application Number: PCT/EP2004/050493		Date: October 4, 2005	
The following fees are submitted:				<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
21. Basic National Fee ..... \$ 300.00				\$ 300.00	
22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 100.00 All other situations ..... \$ 200.00				\$ 200.00	
23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office ..... \$ 400.00 All other situations ..... \$ 500.00				\$ 400.00	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 900.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	26-20=	6	X \$ 50.00	\$ 300.00	
INDEPENDENT	2-3=	0	X \$ 200.00	\$ 0.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,200.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00	
SUBTOTAL =				\$ 1,200.00	
Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 1,200.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 1,200.00	
				Amount to be: refunded	\$
				charged	\$

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U.S. Application Number:  
(if known): Not Yet Assigned

**10/551943**

International Application  
Number: PCT/EP2004/050493

Date: October 4, 2005

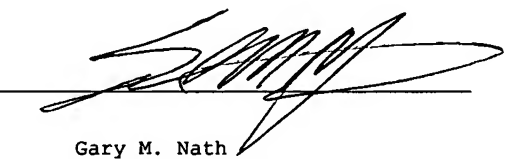
- a. ☒ One check in the amount of \$1,200.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$\_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. ☐ Fees are to be charged to a credit card \_\_\_\_ WARNING: Information on this form may become public \_\_\_\_ Credit Card Information should not be included on this form.  
\_\_\_\_ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/ 551 943

In re Application of:  
DIETRICH, et al.  
Application No.: Not Yet Assigned  
Filed: October 4, 2005  
International Application No.: PCT/EP2004/050493  
International Filing Date: 8 April 2004 (08.04.2004)  
Title: **ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP ANTAGONISTS**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

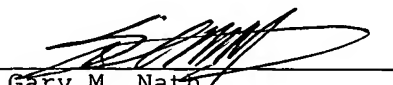
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Application Data Sheet;
- (2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (3) International Publication Number: WO 2004/089342 A2; International Publication Date: 21 October 2004 (21.10.2004), which consists of 35 pages:  
1 page for the Cover Sheet, which contains the Abstract,  
31 pages of Textual Specification,  
3 pages of 26 Claims,  
0 sheets of Drawings;
- (4) Preliminary Amendment with Appendixes A and B To Be Examined;
- (5) PCT Request with Executed Declaration (PCT/RO/101);
- (6) International Search Report (PCT/ISA/210);
- (7) First Notice Informing the Applicant of the Communication of the International Application To The Designated Offices (PCT/IB/308);
- (8) Second and Supplementary Notice Informing the Applicant of the Communication of the International Application To The Designated Offices (PCT/IB/308);
- (9) Information Concerning Elected Offices Notified of Their Election (PCT/IB/332);
- (10) Notification Concerning Submission or Transmittal of Priority Document (PCT/IB/304);
- (11) Check No.: 1010 in the Amount of \$ 1,200.00 for Basic Filing Fee, which includes the Search and Examination Fees (\$900.00), and for 6 Total Claims over 20 (\$300.00), as a Large Entity.
- (12) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

Date: October 4, 2005

By:

  
Gary M. Nath  
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